IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.3172 OF 2006

Shri Avinash Vitthal Dharwadkar, .. Petitioner
Vs
Smt.Snehal S.Mahajan & Ors. .. Respondents

Mr S.A.Rajeshirke, for the petitioner.
Ms Sharmial Deshmukh, for respondent no.1.
Mr Ganesh S. Vaidya, for respondent no.2.

CORAM : D.B.BHOSALE,J.
DATE : 09.11.2006
PC:

1. Heard the learned counsel for the parties.

2. The learned counsel appearing for the parties have fairly stated that I need not record reasons for disposing of this writ petition and they have agreed for the following order.

(a) The petitioner is allowed to stay in the suit premises till 31.5.2007. The petitioner will shift to the premises bearing no.4, situated at Khambekar Wadi, M.G.Road, Naupada, Thane, on or before 31.5.2007. The petitioner shall file an usual undertaking in this court within four weeks from today to the effect that he shall not create third party rights or part with the possession and shall hand over the suit premises to respondent no.1-landlady with an advance copy thereof to the respondents, on or before 31.5.2007, failing which it would be open for respondent no.1 to execute the

decree.

(b) Mr Vaidya, learned counsel for respondent no.2, on instructions from his client -Dipti Umesh Barai, Proprietor of M/s Buddhadev Enterprises, who is present in the court, states that respondent no.2 undertakes to pay all the arrears as per the orders impugned in the present writ petition to respondent no.1 on or before 31.5.2007. Both the respondents confirm that the petitioner shall not have any liability to make the payment as per the impugned orders to respondent no.1. In view of the statement made by the learned counsel for respondent nos 1 and 2, the decree, insofar as the payment of arrears of compensation is concerned, stands modified in aforesaid terms. The undertaking given by the learned advocate for respondent no.2 on behalf of respondent no.2 that she shall make the payment of all the arrears as per the impugned judgment and decree, is accepted. It is needless to express that the recurring outgoings, such as water and electricity charges, shall be borne by the petitioner.

(c) The writ petition is disposed of in the aforesaid terms.

(D.B.BHOSALE,J.)